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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,750	02/11/2002	Herbert Lyvim Lacey III	56162.000329	5594

21967	7590	10/05/2005

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EXAMINER
SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/683,750	LACEY, HERBERT LYVIRN
	Examiner	**Art Unit**	
	Salad E. Abdullahi	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *2/11/2002*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This application has been reviewed. Original claims 1-21 are pending. The

rejection cited stated below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by

Chapman et al., U.S. Patent No. 6,128,313[hereinafter Chapman].

As per claim 1, Chapman discloses a method for automatically configuring a protocol

line trace filter, comprising the steps of:

initializing an idle pattern check (see fig. 2 and col. 3, lines 1-21);

identifying an idle pattern within a received data frame(see fig. 2 and col. 3, lines 1-21);

filling an idle pattern check buffer with the idle pattern (see fig. 8 and col. 4, lines 37-53);

receiving a data frame into a receive buffer(see fig. 8 and col. 4, lines 37-53);

determining whether the receive buffer matches the idle pattern check buffer(see fig. 8

and col. 4, lines 37-53); and

outputting the receive buffer for tracing only if it is determined that the receive buffer

does not match the idle pattern check buffer(see fig. 8 and col. 4, lines 37-53).

As per claim 2, Chapman discloses the method of claim 1, wherein the step of

initializing an idle pattern check, further comprises the steps of: filling the idle pattern

check buffer with a default idle pattern; and setting a flag to false.

As per claim 3, Chapman discloses the method of claim 1, the method of claim 2,

further comprising the steps of: filling an idle pattern buffer with the idle pattern(see fig.

2 and col. 3, lines 1-21);

determining whether the flag is set to false(see fig. 2 and col. 3, lines 1-21);and

 filling the idle pattern check buffer with the idle pattern buffer and setting the flag to true

if it is determined that the flag is set to false (see fig. 8 and col. 4, lines 37-53);

As per claims 4-5, the step of initializing the idle pattern check is performed periodically

or performed daily is inherent to the Chapman' s system.

As per claim 6, the claim includes features discussed above with respect to claim 1,

further reciting: determining whether the flag is set to false;   and setting the flag to true

if it is determined that the flag is set to false (see fig. 8 and col. 4, lines 37-53);

As per claim 7, Chapman discloses the method of claim 6, further comprising the steps

of: receiving a data frame into a receive buffer; determining whether the receive buffer

matches the idle pattern check buffer; and outputting the receive buffer for tracing only if

it is determined that the receive buffer does not match the idle pattern check buffer (see

fig. 2 and col. 3, lines 1-21).

As per claims 8-21, the claim include features similar to those of claim 1-7, thus claims 8-21are rejected same rational as claim 1-7.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
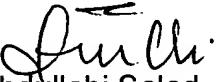
Abdullahi Salad
Primary examiner
9/28/2005